

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/01171/2016

Bilaspur, this Wednesday, the 11th day of July, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Chand Ram Yadav, Batch No.34, (New Batch No.107), Age – 45 years, S/o Late Shri Chhedi Lal Yadav, By Post – Licensed Porter, Member of “Dakshin-Purva Madhya Railway Coolie Kalyan Samiti”, Having its Registered Office at Railway Porters Rest Room, Railway Station Premises, Bilaspur, Distt. Bilaspur (C.G.) 495001
-Applicant

(By Advocate – **Shri J.A. Lohani**)

V e r s u s

1. Union of India through the General Manager (G.M.), S.E.C.R., Zonal Office Building, Bilaspur (C.G.) 495001.
2. Divisional Railway Manager (DRM), S.E.C.R, Office of Divisional Railway Manager, (D.R.M. Office), Bilaspur (C.G.) 495001.
3. Sr. Divisional Commercial Manager, S.E.C.R, Office of Sr. D.C.M. at Divisional Railway Manager, (D.R.R. Office), Bilaspur (C.G.) 495001
-Respondents

(By Advocate –**Shri R.N. Pusty**)

O R D E R

By Navin Tandon, AM.-

The applicant, who is a licensed Porter, is aggrieved by the order dated 24.07.2012/06.08.2012 (Annexure A-1), whereby his representation for appointment to the post of

Gangman/Trackman, has been rejected on the ground that he was found medically unfit for the post of Gangman.

2. The applicant has also filed MA No.203/00672/2016 for condonation of delay in filing this Original Application.

3. He has sought for the following relief in this O.A:

“8.1 That this Hon’ble Tribunal may kindly be pleased to all upon the entire record pertaining to the case of the applicant leading to passing of impugned-order dtd. 06/08/2012 by respondent authority, for the kind perusal of this Hon’ble Tribunal.

8.2 That this Hon’ble Tribunal may kindly allow this application by giving similar direction to the respondents passed in O.A. no.301-311 & 313-326/2013 dtd.13/05/2015 by setting-aside the impugned-order dtd.06/08/2012 for the consideration of fresh representation & to decide the same in view of Railway Board Circular’s dated 01/04/2018 & its Guidelines dtd.05/06/2008, in the interest of justice.

8.3 Any relief’s or appropriate directions to the respondents as deemed fit and proper suitable similar order as been passed in O.A.301-311 & 313-326/2013 dated 13.05.2015 (Annexure-A/5), under the similar facts & circumstance of the present case may also be kindly be granted by this Hon’ble Trbunal along with cost of this application.”

4. The respondents have filed their reply and have raised the preliminary objection regarding delay in filing this

Original Application as the impugned order was passed on 06.08.2012. Further, they have stated that the applicant was found medically unfit for the post of Gangman, which is one of the essential requirement of Railway Board's circular dated 01.04.2008.

5. We have heard both sides and perused the pleadings available on record. Also gone through the MA No.203/00672/2016 application for condonation of delay filed by the applicant.

6. It is an admitted fact that case of the applicant was rejected in the year 2012 vide order dated 23.07.2012/06.08.2012 (Annexure A-1), whereas, the applicant has approached this Tribunal in the year 2016, i.e. after a delay of almost four years. Hence, the O.A is hit by the period of limitation, as provided under Section 21 of the Administrative Tribunals Act, 1985. Even on merits, the case of the applicant has been rejected as he was not found medically fit for the post of Gangman, which is essential requirement provided in Railway Board's letter dated

01.04.2008. Thus, we find that the O.A is not only barred by limitation but also being devoid of any merit.

7. Accordingly, the O.A is dismissed. Consequently, the MA for condonation of delay stands also dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member
am

(Navin Tandon)
Administrative Member